

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**OHIO VALLEY ENVIRONMENTAL  
COALITION, WEST VIRGINIA  
HIGHLANDS CONSERVANCY, and  
SIERRA CLUB,**

**Plaintiffs,**

**v.**

**AUSTIN CAPERTON, Secretary,  
West Virginia Department of  
Environmental Protection,**

**Defendant.**

**CIVIL ACTION NO. 3:20-cv-00470**

**STIPULATION OF DISMISSAL**

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, each of the Plaintiffs and the Defendant, each by counsel and being all parties who have appeared in the above-captioned action, stipulate and agree that the action be dismissed with prejudice as moot. As provided for in Section 520(d) of the Surface Mining Control and Reclamation Act, 30 U.S.C. § 1270(d), the Defendant shall pay the Plaintiffs' attorneys' fees and costs in the total aggregate amount of \$25,181.50. Defendant agrees to make such payment within sixty days from the date of entry of this Stipulation and the submission of an invoice therefor.

Dated: December 31, 2020

/s/ J. Michael Becher  
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